

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANACOSTIA RIVERKEEPER, INC. and
FRIENDS OF THE EARTH.

Plaintiff,

v.

ANDREW WHEELER,¹ Acting
Administrator, United States
Environmental Protection Agency, *et al.*,

Defendant.

Civil Action No. 09-0098 (JDB)

JUDGE JOHN D. BATES

STATUS REPORT BY DEFENDANT EPA

Pursuant to the Court's Order dated September 15, 2017, the U.S. Environmental Protection Agency Region III (EPA) provides the following status report. EPA anticipates that Total Maximum Daily Loads will be established and approved for metals and organics (i.e., toxic pollutants) for the Anacostia River and its tributaries and Kingman Lake by January 31, 2020.

1. **Data from 2014 Study.** This information was provided to Plaintiffs by email on October 20, 2016.
2. **Data from 2017 Study.** Monitoring is not yet complete. In September 2017, EPA provided the District of Columbia Department of Energy and the Environment (DOEE) with an additional \$200,000 in grant funding to support the monitoring work. DOEE has hired Tetrattech to conduct the monitoring. A monitoring Quality Assurance Project Plan

¹ Pursuant to Fed. R. Civ. P. 25, Mr. Wheeler is substituted for his predecessor in office.

(QAPP) is being developed. The QAPP will outline data quality goals and procedures of the sampling effort. Monitoring is expected to commence in the second half of 2018.

3. **Other actions toward completion and approval of TMDLs.** EPA separately secured Tetrattech as a contractor to support development of TMDLs for toxic pollutants in the Anacostia watershed. That contract is valued at \$259,501.00 and the period of performance extends from April 1, 2018 to September 30, 2020. As part of this effort, EPA also is undertaking the following:
 - i. Reporting and Communication: EPA conducts monthly meetings with DOEE, Maryland Department of Environment (MDE) and Tetrattech regarding technical aspects of TMDL development and TMDL model selection. EPA also communicates with DOEE, MDE and Tetrattech on an as needed basis.
 - ii. Model Selection: EPA is working with Tetrattech to develop a modeling system to support the TMDL development that will provide a linkage between watershed pollutant sources, instream pollutant sources, loading pathways, and instream water quality.
 - iii. TMDL Endpoint Determinations: EPA is working in coordination with DOEE and MDE to identify TMDL endpoints based upon the jurisdictions' typical approaches and other appropriate options.
 - iv. Modeling QAPP: Tetrattech has drafted and EPA, DOEE, and MDE are in process of reviewing, a modeling QAPP, which will provide a description of the modeling quality assurance system and associated analytical work that Tetrattech will perform for the project, including following data quality objectives and quality control procedures.

- v. Public Meeting in the second half of 2018: Subject to completion of the foregoing, EPA anticipates hosting a public meeting to present and seek feedback on proposed TMDL endpoints and modeling framework.

Respectfully submitted,

Dated: July 23, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2018, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Eileen T. McDonough